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To: Community Based Residential Facilities

CBRF 13

Staff 34

From: Judy Fryback, Director
Bureau of Quality Assurance

**Training Exemptions For Staff of Community Based Residential Facilities (CBRFs) –
Exemptions and Credit for Past Training**

As you are aware, Chapter HFS 83 for Community Based Residential Facilities (CBRFs) became effective on August 1, 1996. There were only two requirements of Chapter HFS 83 that were immediately effective:

Section HFS 83.14(1)(d) Training. Fire safety, first aid and procedures to alleviate choking. The administrator and all employees who work on the CBRF premises shall successfully complete training in fire safety, first aid and procedures to alleviate choking within 90 days after starting employment.

Section HFS 83.15(1)(a) Staffing Patterns. (1) Adequate Staffing. (a) The ratio of staff to residents shall be adequate to meet the needs of the residents as defined in their assessments and individual service plans and for the type of facility.

The remaining requirements were to be phased in, with most of the requirements taking effect on January 1, 1997.

There are a number of new training requirements that will become effective on January 1, 1998. The Bureau of Quality Assurance has received numerous questions from providers regarding how the Department will review facilities to ensure appropriate documentation is contained in employee personnel files indicating successful completion of the training.

Who is exempt from the training? Detailed information regarding exemptions from training are contained in s. HFS 83.14(6). The following staff are exempt from the training required in resident rights, client group specific training, recognizing and responding to challenging behaviors, assessing needs of prospective residents and developing individualized service plans:

- a. The administrator and resident care staff who have at least 2 years of documented experience in their current or similar positions working with the client group(s) served by the facility.
- b. A licensed nursing home administrator.
- c. A registered nurse or licensed practical nurse.
- d. An alcohol and drug counselor certified under s. HFS 61.06(14).
- e. An Alcohol Counselor 1 registered with the Wisconsin Alcohol and Drug Counselor Certification Board.
- f. A home health aide listed on the registry under s. HSS 129.10.
- g. A nurse assistant listed on the registry under s. HSS 129.10.
- h. A person with a degree from an institution of higher education with a major in social work, psychology or a similar human services field.

The following employees are exempt from the training required under management and administration of medications:

- a. A registered nurse or licensed practical nurse.
- b. A medication aide who has completed training in a drug administration course approved by the Department

under s. HSS 132.60(5)(d)1.

- c. Registered nurses and licensed practical nurses are exempt from the training required in first aid and procedures to alleviate choking.
- d. Registered nurses and pharmacists whose responsibility in the CBRF is limited to supervision of the medication program under s. HFS 83.33(3)(e)3., are exempt from all of the training required under management and administration of medications.
- e. Pharmacists and physicians whose responsibility in the CBRF is limited to the review of the medication regimen of residents under s. HFS 83.33(3)(a)2., are exempt from all of the training required under management and administration of medications.

Resident care staff who are in the facility only at night when residents are normally asleep are exempt from the training required in s. HFS 83.14(1) through (3) except for the following:

- 1. The training identified in s. HFS 83.14(1)(c) relating to universal precautions, and the training identified in s. HFS 83.14(1)(d) relating to fire safety, first aid and procedures to alleviate choking will need to be successfully completed by all night time resident care staff.
- 2. When a resident needs continuous care or needs a service at regular intervals, the night time resident care staff shall also successfully complete the training required under s. HFS 83.14(1)(a) in resident rights and recognizing and responding to challenging behaviors, and, if applicable to their responsibilities, the training required in s. HFS 83.14(3) in management and administration of medications.
- 3. The licensee or administrator shall determine the areas of the client group specific training that are applicable to the responsibilities of the night time resident care staff and shall ensure that the training is provided.

Comparable compliance with universal precautions training. Administrators, resident care staff and other employees who may be occupationally exposed to blood or any other potentially infectious material who can document that they have had training acceptable to the Department in the practice of universal precautions shall be considered to have complied with the training requirements under s. HFS 83.14(1)(c).

Exemption for administrator. An administrator is exempt from all of the following:

- a. Training in determining dietary needs, menu planning, food preparation and sanitation when the facility has a dietitian on its staff or under contract who has direct or supervisory responsibility for determining dietary needs, menu planning, food preparation and sanitation.
- b. Training in management and administration of medications when the facility has a registered nurse on its staff or under contract who has direct or supervisory responsibility for management and administration of resident medications.

Exemption for dietitian. A dietitian is exempt from the training required under s. HFS 83.14(2) in determining residents' dietary needs, menu planning, food preparation and sanitation.

Exemption for employees providing transportation. Employees whose sole responsibility is transporting residents are exempt from the training in s. HFS 83.14 except for the following:

- a. Resident rights in s. HFS 83.14(1)(a)1.
- b. Recognizing and responding to challenging behaviors under s. HFS 83.14(1)(a)2.
- c. Universal precautions under s. HFS 83.14(1)(c).

Deduction of exempted hours: When a facility does its own training in one or more of the required areas of training using a Department approved training plan, an employee who is exempted from the training may deduct from his or her total

required hours of training the number of hours specified in the Department-approved training plan for the training topic from which the employee is exempted.

When a facility does not do its own training in one or more of the required areas of training, an employee exempted from any of the training may deduct from his or her total required hours of training the number of hours of a Department-approved course that the employee would normally take from a training source not affiliated with the facility.

Orientation: Each employee of a CBRF shall receive orientation within 30 days after the starting date of employment in all of the following: 1) the employee's job responsibilities; 2) general administration, personnel policies and record-keeping requirements; 3) emergency plan and evacuation procedures under s. HFS 83.42(3); and 4) resident rights for employees who are not required to take the resident rights training.

Continuing Education: Each administrator and each resident care staff employee of the CBRF shall receive at least 12 hours per calendar year of continuing education beginning with the second full calendar year of employment. Continuing education shall be relevant to their job responsibilities.

Documentation: All training, orientation and continuing education shall be documented by the licensee, administrator or designee in the employee's personnel file and signed by the employee at the time it is received.

The facility will be responsible for determining what documentation should be maintained in the employee's personnel file. As part of the licensing process, we will review employee personnel files to ensure the records reflect appropriate training approvals.

What About Employees Who Were Trained Prior to the Department Approving Training Programs Under HFS 83? The Department has made the decision to accept past training of staff of CBRFs on an individual basis. In lieu of retroactive program approvals, the current employers and prospective employers may do a determination of adequacy of prior training of individuals. This determination of adequacy needs to be documented in the personnel record of the employee. This determination must be based on verifiable evidence of previous training, e.g., copies of certificates of completion.

In making determinations of adequacy of prior training, the following factors must be considered:

1. Fire safety, emergency and procedures to alleviate choking training must have been obtained from an approved source as required by Chapter 50, Wis. Stats.
2. All training deemed by the employer to be adequate must parallel the training guidelines issued by the Department. It is not necessary that every item be covered but must reasonably reflect the content of the guidelines. Items not covered from the guidelines should be covered in the required continuing education for the employee.
3. The areas of Resident Rights, Recognizing and Responding to Challenging Behaviors, Client Group Specific Training, and Needs Assessment of Prospective Residents and Individualized Service Plan Development are areas that may well not have been adequately trained on including for exempted employees.
4. The training requirement for Universal Precautions (Standard Precautions) must meet the time frame outlined in s. HFS 83.14(1)(c). This training shall occur prior to the employee assuming any job responsibilities that may occupationally expose him or her to blood or other potentially infectious products. This regulation is also a requirement of the Occupational Safety and Health Administration (OSHA). OSHA may issue monetary fines for failure to comply with this regulation.
5. Employers may develop their own methodology for documenting adequacy of prior training or may use the guidelines for the training modules, Form # PSL 3012, that is attached to this memorandum.

If you have any questions regarding the exemptions from training, please contact the Regional Field Operations Director for your area.

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